UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1994/173
14 February 1994

ORIGINAL: ENGLISH

LETTER DATED 14 FEBRUARY 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached report addressed to me on 12 February 1994 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

(Signed) Boutros BOUTROS-GHALI

94-07812 (E) 140294 150294

/...

Annex

Report of the Co-Chairmen of the Steering Committee on the Activities of the International Conference on the Former Yugoslavia

INTRODUCTION

1. In their previous report (S/1994/64), the Co-Chairmen dealt with the round of peace talks held in Geneva from 18 to 19 January. On that occasion, a map proposed by the Bosnian Serbs had been on the table offering the Muslim majority republic 33.56%, and the Republic of Croatia had stated its willingness to sign linked agreements providing the Muslim majority republic with 99-year leases for use of a port at Ploce, a port on the Neretva River at Celevo from which seagoing cargo boats or tourist passenger boats could link up with their facilities in Ploce or the existing small port on the Peljesac peninsula.

2. President Izetbegovic had acknowledged that the Muslim majority republic was being offered 33.56%. He had submitted, however, that the map should be altered so as to include in the territory allocated to the Muslim majority republic certain areas in eastern and western Bosnia where the Muslims had been in the majority before the outbreak of the conflict, as well as certain areas in central Bosnia, while keeping within the target of 33.3%.

3. Since the parties had agreed on all other aspects of a peace package other than some areas of territory in respect of which there were competing claims, the Co-Chairmen had submitted to the parties the idea that the areas in question should be referred to an arbitration commission appointed by the President of the International Court of Justice after consultation with the parties. The recommendations of the Commission would be addressed, in the first instance, to the parties and, only if there was disagreement, the matter would be referred to the Security Council.

4. The Bosnian Croats and the Bosnian Serbs had expressed their willingness to accept these procedures. The Bosnian Presidency had taken the position that military forces should be withdrawn from the areas in question before an arbitration procedure could be accepted.

5. In those circumstances, and faced with the danger of renewed and intensified conflict, the Co-Chairmen had proposed that the parties establish hot-lines, that they exchange representatives in one another's headquarters in Sarajevo, Mostar and Pale, and that the parties should meet again in Geneva on 10 February 1994 to consider the effectiveness of those arrangements and other practical confidence-building measures to reduce the level of fighting.

CONFIDENCE-BUILDING MEASURES

6. In accordance with the decision taken by the parties on 19 January, a working group coordinated by Brigadier-General Bo Pellnäs held two meetings in Sarajevo on 25 January and on 5 February. All three Bosnian parties took part. The Bosnian Presidency delegation was led by Prime Minister H. Silajdzic, the Bosnian Croat delegation by Mr. M. Akmadzic, and the Bosnian Serb delegation by Professor N. Koljevic. Observers of UNPROFOR, UNHCR AND ICRC also took part.

7. On 25 January, an agreement was signed among the three parties providing for the restoration of the electricity system. The parties agreed to the principle of joint cooperation for the immediate repair of the electricity system. They solemnly promised that their respective forces would not, after the signing of the agreement, destroy any aspect or facility of the electricity system, nor would they prevent any work conducted by repair and maintenance teams. Additionally, the forces of the parties would not in any way interfere with or withhold the provision of electricity to any of the other parties. The agreement called for the immediate restoration of electricity lines or systems in six areas.

8. Other items on the agenda of the Working Group included the establishment of hot-lines; the establishment of standing liaison teams; regular meetings between Commanders; and Joint Military Commissions. On the issue of hot-lines, it was reported that lines of communications already existed between the BiH Army and HVO as well as between HVO and the BSA. The Bosnian Serbs accepted to establish communications with the BiH Army, and UNPROFOR was asked to follow up on this subject and to facilitate the necessary arrangements.

SARAJEVO

9. During a meeting with Dr. Karadzic in Pale on 5 February, General Pellnäs received an assurance from the Bosnian Serbs that they were ready to agree to United Nations administration of, and the demilitarization of, Sarajevo District as defined in the peace plan under discussion in Geneva in advance of a final settlement in Bosnia and Herzegovina. This important development was about to be discussed that same day in the confidence-building meeting at Sarajevo Airport when a shell landed in the market place of Sarajevo and the meeting had to be suspended. In view of this political development concerning Sarajevo, which the Co-Chairmen had first put to the Bosnia Serbs in Geneva on 19 January, and in the light of that day's tragedy, the Co-Chairmen took action to follow up urgently the implementation of a separate political and military peace agreement involving Sarajevo District as the first step to an overall peace settlement for Bosnia and Herzegovina.

10. On 6 February, the Co-Chairmen travelled to Zvornik, in Bosnia and Herzegovina, to follow up this development with the Bosnian Serbs. After five hours of discussion with Bosnian Serb leaders, including Dr. Karadzic, the following agreement was reached with them:

> "In order to bring peace to Sarajevo now, the Bosnian Serbs are ready, in the circumstances where it is not yet possible to reach an overall peace settlement, to negotiate for United Nations administration and the demilitarization of Sarajevo District prior to a final settlement for Bosnia and Herzegovina. The details can be discussed as part of the meeting in Geneva on 10 February on confidence-building measures with a view to establishing a mixed military-political Joint Commission to meet at Sarajevo airport."

TALKS IN GENEVA, 10-12 FEBRUARY

11. Representatives of the Bosnian Presidency, the Bosnian Croats and the Bosnian Serbs, together with Observers from the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia-Montenegro), met in Geneva from 10 to 12 February to review the above developments and to continue the search for peace in Bosnia and Herzegovina. The Bosnian Presidency delegation was led by Prime Minister H. Silajdzic, the Bosnian Croat delegation by Mr. M. Akmadzic and the Bosnian Serb delegation by Dr. R. Karadzic. Deputy Foreign Minister V. Churkin and Ambassador C. Redman attended as Observers.

12. Plenary as well as bilateral meetings were held. At the first plenary meeting, the Co-Chairmen invited the parties to review further confidence-building measures, bearing in mind the agreement that had been reached in Sarajevo on 9 February between the representatives of the Army of Bosnia and Herzegovina and the Bosnian Serb Army, meeting under the auspices of General Rose, the UNPROFOR (BH) Commander. That agreement provided

> "... that there should be an immediate ceasefire in and around the city (as from 1200A 10 February 1994), that there should be a positioning of UNPROFOR troops in sensitive areas and key locations, and that there should be the monitoring and placing of all heavy weapons under UNPROFOR control."

The Co-Chairmen emphasized upon all concerned the importance of their respecting their commitments, and urged them, in the strongest possible terms, to help defuse the situation in Bosnia and Herzegovina and to set a course for the re-establishment of peace.

13. Noting that the two meetings on confidence-building had been held at a high level and conducted in a positive and constructive manner, the Co-Chairmen encouraged the Bosnian parties to regularize those meetings and to meet at fixed intervals. The parties undertook to do so.

14. The Co-Chairmen then invited the Bosnian parties to review the outstanding areas holding up the signature of a peace agreement. Bilateral meetings were held between the delegations of the Bosnian Presidency and the Bosnian Croats, the delegations of the Bosnian Presidency and the Bosnian Serbs, and the delegations of the Bosnian Croats and the Bosnian Serbs. After these bilateral meetings, a plenary meeting was held to review the results of the bilateral meetings.

15. As the final plenary meeting on 12 February, the Co-Chairmen summarized the results of the discussions. They noted that on future constitutional arrangements, all three sides had expressly reiterated their acceptance of a Union of Republics, consisting of a Croat majority republic, a Muslim majority republic and a Serb majority republic.

16. The Bosnian Presidency and the Bosnian Croats reiterated their agreement that Mostar would be placed under the administration of the European Union. The Bosnian Presidency and the Bosnian Serbs reiterated their acceptance that Sarajevo would be placed under the administration of the United Nations. It was agreed that during the period of European Union administration of Mostar and United Nations administration of Sarajevo final territorial delimitations would be worked out.

17. With regard to the definition of the Mostar City area to be placed under the administration of the European Union, the Bosnian Presidency and the Bosnian Croats agreed that the Working Group which had been established in Brussels on 23 December to look into this issue should meet on 16 February in Medjugorje, at the Headquarters of the Spanish Battalion.

18. In respect of Sarajevo, the Co-Chairmen invited the Bosnian Presidency and the Bosnian Serbs to consider the possibility of concluding a separate agreement on Sarajevo in advance of an overall peace agreement. The Bosnian Serbs indicated their readiness to negotiate such a separate agreement. The Bosnian Presidency, however, said that while it was willing to pursue discussions on Sarajevo, there would be no such discussions until Serb withdrawal of heavy weapons was complete, and that any agreement worked out should be part of the overall peace settlement.

19. The Co-Chairmen tried a number of avenues to get the parties to move towards agreement on the territories still under dispute. They first invited the parties to indicate whether the number of disputed areas could be reduced. This did not prove possible and indeed the parties began to suggest additions to the list of disputed areas. The Co-Chairmen then invited the parties to consider whether it might be possible to move to a peace agreement by arranging for some of the areas to be treated as protected areas, while a few of them could be placed under international administration. These possibilities were kept open, but discussion of them was affected by the Bosnian Serbs' contention that the Bosnian Presidency, having agreed to 33.3%, was trying to pocket the 33.56% already offered and still to maintain a list of disputed areas. A similar contention was put forward by the Bosnian Croats who also asked for recognition that they should have 17.5% of territory. The Bosnian Presidency, however, maintained its claims. It added that it could only accept the Croats having 17.5% on the condition that it was not prejudicial to the Presidency's claims.

20. The Co-Chairmen again consulted the parties on the proposed arbitration procedure. All three sides said that they accepted the concept of arbitration, but the Bosnian Presidency maintained its position that before an arbitration procedure could be used there should be withdrawal of military forces from the areas in question. The Bosnian Croats and the Bosnian Serbs accepted that there needed to be a withdrawal of forces, accompanied by the insertion of United

Nations civilian police, in order to encourage people who lived there before the war to return, but that the areas had to be within the provisional boundaries of the republics. The Bosnian Presidency maintained that the disputed areas could not be considered as falling within the provisional republican boundaries.

21. The Co-Chairmen consulted the parties on other possible avenues for overcoming the hurdle over the disputed territories. Among the possibilities mentioned was the establishment of an International Joint Control Commission whose tasks would be to ensure that nothing was done in any of the disputed areas to alter their character or status, or which could be prejudicial to their eventual allocation while the arbitration procedure functioned. Another possibility mentioned was referral of the disputed areas to the Security Council or to a group of members of the Council. The parties were asked to suggest other possible procedures for reaching agrement on the outstanding territorial issues. No such suggestion was forthcoming.

22. In the circumstances, it was agreed that the parties should consult bilaterally, and should also have discussions with the special envoys of the Russian Federation and the United States of America. In the light of those further consultations, the Co-Chairmen would assess the situation with a view to inviting the parties back to Geneva for further talks towards the end of February or the beginning of March.